

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 13th DAY OF SEPTEMBER, 2010 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT: Annette S. Perkins (arrived 6:10 p.m.)-Chair
James D. Politis -Vice Chair
Mary W. Biggs -Supervisors
William H. Brown
Gary D. Creed
Doug Marrs
John A. Muffo
F. Craig Meadows -County Administrator
L. Carol Edmonds -Assistant County Administrator
Martin M. McMahon -County Attorney
Steve Sandy -Planning Director
Ruth L. Richey -Public Information Officer
Vickie L. Swinney -Secretary, Board of Supervisors

CALL TO ORDER

The Vice-Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by William H. Brown, seconded by John A. Muffo and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (7) Consultation with Legal Counsel and Briefings from Staff Members or Consultants Pertaining to Actual or Probable Litigation, Where Such Consultation or Briefing in Open Meeting Would Adversely Affect the Negotiating or Litigating Posture of the Public Body; and Consultation with Legal Counsel Employed or Retained by a Public Body Regarding Specific Legal Matters Requiring Provision of Legal Advice by Such Counsel
1. Joinder Study with the Blacksburg, Christiansburg, VPI Water Authority
 2. Norfolk Southern Intermodal Facility

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. Potential Park Property

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Alcohol Safety Action Program
2. AFD Advisory Committee
3. Board of Equalization

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>	<u>ABSENT DURING VOTE</u>
Gary D. Creed	None	Annette S. Perkins
William H. Brown		
James D. Politis		
Mary W. Biggs		
Doug Marrs		
John A. Muffo		

The Chair arrived at 6:10 p.m.

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

CERTIFICATION OF CLOSED MEETING

On a motion by William H. Brown, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

James D. Politis
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
William H. Brown
Annette S. Perkins

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was lead by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

DELEGATIONS

Virginia Department of Transportation

David Clarke, VDOT Residency Administrator, updated the Board of Supervisors on road issues/concerns in Montgomery County. Mr. Clarke reported VDOT is working with the Town of Christiansburg to add additional lanes at the Intersection of Cambria and Franklin Street. There is an increase in traffic from Blacksburg to Christiansburg due to the location of the Blacksburg Middle School students to Christiansburg. The additional lanes coming off the 460 bypass onto Franklin Street should help with the backup on the bypass.

Mr. Clarke reported VDOT is working on the following:

Prices Fork Road -shoulder and drainage work is being done.

Tyler Road - paving from the New River Valley Medical Center to Childress Road. This is being done with federal funds.

Stanley Road – surface treatment

I-81 Truck Climbing Lanes in Montgomery County – Mr. Clarke reported that funding came through to construct climbing lanes on I-81 from mile marker 121 through 126. This is part of the safety project on I-81.

Board of Supervisors Concerns:

North Fork Road - Supervisor Creed asked for an update. Mr. Clarke stated VDOT is still in the environmental stage and working on the design.

Willis Hollow Road – Supervisor Creed asked for a cost breakdown on the road project for Willis Hollow Road. Mr. Clarke responded that he will provide a report to the Board.

Yellow Sulphur Road - Supervisor Marrs asked if VDOT could provide a map showing the revenue sharing projects on Yellow Sulphur Road. He asked for the sections of road to be repaired to be outlined, with a timetable for the repairs. Mr. Clarke reported that there are two separate revenue sharing projects for Yellow Sulphur Road and VDOT is combining the two projects. He stated that there is about ¾ mile to be paved and widened.

The Chair thanked Mr. Clarke for his update

Virginia Cooperative Extension – Quarterly Report for Montgomery County

Michelle Dickerson, Extension Agent, provided an update on the Extension programs in Montgomery County. Ms. Dickerson provided information on activities in the 4-H Program, Agricultural & Natural Resources, and Family Consumer Science. She reported that there are currently two vacancies in Montgomery County Extension Office with the recent vacancy in the Agricultural & Natural Resources area due to the State's decision to reorganize the Cooperative Extension program state-wide.

PUBLIC ADDRESS

Stephen Vassar expressed concerns with the potential tax increase on real estate to build new schools. Mr. Vassar believes the County should not destroy the tax base just to appease special interest groups. He also commented on an article in the Roanoke Times reporting that if the schools are not built that businesses are going to leave Montgomery County. He believes this is not realistic as businesses are in Montgomery County because the taxes are lower. Mr. Vassar believes in today's economy now is not the right time to raise taxes. Mr. Vassar also spoke about the School Board granting bonuses to school employees. He believes that any surplus money should be put back into the general fund.

Bob Poff expressed concerns with the County's proposal to move the Arthur Phelger Building which currently houses the Magistrate's Office. This building is 200 years old and has historical significance in the county. It is his understanding the building will be moved due to the renovation of the Sheriff's Office and the need for additional parking. He is concerned that the building will lose historical significance if moved out of the county and the possibility of destroying the building while attempting to move it. He urged the Board to take action so the building is preserved in its present location.

Kelly Brennan addressed the Board regarding school capital projects. Mr. Brennan stated that the cost savings on other school construction and insurance money will provide the funding needed to repair the Blacksburg High School. USDA Rural Development funds can be used for the Auburn project. The old Christiansburg Middle School can be used to alleviate overcrowding in the Christiansburg strand. Mr. Brennan urged the Board to allocate funding needed for the Blacksburg High School repairs and raise taxes modestly for the Auburn School needs.

Karen Trear spoke in favor of building two new schools, Blacksburg and Auburn. Ms. Trear expressed concerns that the Blacksburg High School remains unsafe and believes any repairs made to the school are just a band-aid. She stated it is not financially sound to put money into repairs and then build a new school at a later date. Ms. Trear stated as a taxpayer she is willing to pay higher taxes for two new schools but not for repairs now and more later when a new school is needed. She believes now is the time to build since interest rates and construction costs are low.

Jack Selcovitz addressed the Board regarding Extension's Agriculture and Natural Resources Director position. This position was eliminated through state restructuring and he believes the County lost one of their most dedicated employees, Barry Robinson, in the Virginia Cooperative Extension Office. This is a state position but salary comes from the county, state and Virginia Tech. He suggests that Virginia Tech request immediate funds to fill this position.

Jennifer Mengel spoke as an advocate for a new school in Auburn. She stated that Auburn High/Middle School is the only school in the county that has a combined school and in need of a new facility. She also expressed concern with the number of mobile units being used in the Auburn and Christiansburg strand, which is another indication that new facilities are needed. Ms. Mengel believes the Board has the opportunity to repair Blacksburg High School, which can

be accomplished according to the engineers report, and provide the necessary capital funding for the Auburn and Christiansburg strands.

There being no further speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the Consent Agenda dated September 13, 2010 was approved.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
John A. Muffo	
Gary D. Creed	
James D. Politis	
William H. Brown	
Doug Marrs	
Annette S. Perkins	

Approval of Minutes

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously, the minutes dated May 24, June 14 and June 28, 2010.

Schedule Public Hearing

R-FY-11-19
RESOLUTION SCHEDULING A PUBLIC HEARING
ON PROPOSED ORDINANCE INCREASING
THE NET COMBINED FINANCIAL WORTH AND
THE INCOME LIMITS TO BE ELIGIBLE FOR
TAX EXEMPTION OR DEFERRAL
FOR THE ELDERLY AND HANDICAPPED

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby agrees to schedule a Public Hearing for October 12, 2010 at 7:15 p.m. or as soon thereafter in the Board Room, Montgomery County Government Center located at 755 Roanoke Street, Christiansburg, Virginia to hear citizen comments on the following:

Proposed Ordinance to Amend Chapter 2, Section 2-107, Entitled Tax Exemption and Deferrals for the Elderly and Handicapped.

An Ordinance Amending Chapter 2, Division 5, Section 2-107 of the Code of the County of Montgomery, Virginia Entitled Tax Exemption and Deferrals for Elderly and Handicapped by Increasing the Net Combined Financial Worth and the Income Limits to be Eligible for Relief.

Appropriations and Transfers

**A-FY-11-25
COMMONWEALTH'S ATTORNEY
FORFEITED ASSET SHARING PROGRAM**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

200	Commonwealth's Attorney	\$1,660
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
419104	Confiscations

\$1,660

Said resolution appropriates monies received as part of the Forfeited Asset Sharing Program from the Department of Criminal Justice Services.

**A-FY-11-26
MONTGOMERY-FLOYD REGIONAL LIBRARY
FLOYD LIBRARY CARRYOVER**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

720	Floyd Library	\$29,762
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The source of the funds for the foregoing appropriation is as follows:

Revenue Account
451205 Fund Balance

\$29,762

Said resolution appropriates funds remaining at year end at the Floyd Library to cover the one-time costs associated with books and materials.

A-FY-11-27
MONTGOMERY MUSEUM
AND LYRIC THEATRE GRANT

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

911	Montgomery Museum Grant	\$2,500
	Lyric Grant	<u>\$2,500</u>
	Total	\$5,000

The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account:</u>		
424401	State Grants	\$5,000

Said resolution appropriates grant funds received for the Montgomery Museum and Lyric Theatre.

A-FY-11-28
SHERIFF
RECOVERED COSTS

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

320	Sheriff County	\$11,467
322	Sheriff – Project Lifesaver	<u>\$ 75</u>
	Total	\$11,542

The sources of the funds for the foregoing appropriation are as follows:

Revenue Account

419108	Recovered Costs	\$11,467
424401	Project Lifesaver	\$ 75
	Total	\$11,542

Said resolution appropriates recovered costs and Project Lifesaver funds for use by the Sheriff's department.

Appointments

**R-FY-11-20
APPOINTMENT
AGENCY ON AGING**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby reappoints **Robert E. Gribben** to the **New River Valley Agency on Aging** effective October 1, 2010 and expiring September 30, 2011.

BE IT FURTHER RESOLVED, The Board of Supervisors reappoints **Elizabeth H. Doyle** as an **alternate** to the **New River Valley Agency on Aging** effective October 1, 2010 and expiring September 30, 2011.

**R-FY-11-21
APPOINTMENT
PARKS AND RECREATION COMMISSION**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia hereby appoints **Andrew Fotinos**, who resides in **District E**, to the Parks and Recreation Commission effective September 14, 2010 and expiring September 13, 2013.

**R-FY-11-22
VACO 2010 ANNUAL MEETING
VOTING CREDENTIALS**

On a motion by Gary D. Creed, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia authorizes **Annette S. Perkins**, Chair, to cast its vote at the 2010 Annual Meeting of the Virginia Association of Counties (VACo) on November 9, 2010.

NEW BUSINESS

School Operating Fund and School Nutrition Fund – Carryover Surplus Year-End Balances

Supervisor Creed made a motion and seconded by Doug Marrs to table the School Board's request to carryover \$1,696,152 in surplus funds remaining at the end of June 30, 2010. The vote to table was as follows.

AYE

Gary D. Creed
James D. Politis
Doug Marrs

NAY

John A. Muffo
William H. Brown
Mary W. Biggs
Annette S. Perkins

The motion to table is defeated.

Supervisor Creed expressed concerns that the School Superintendent expressed the need for funding for upgrading the technology in all the schools. He specifically remembers at the July 12, 2010 Board of Supervisors meeting, the School Superintendent asked that carryover money be used for technology and the purchase of school buses. This resolution only provides \$500,000 for technology.

Walt Shannon, Assistant School Superintendent, addressed the Board regarding the School's request to carryover over surplus year-end balances. Mr. Shannon stated at the Board of Supervisors July 12, 2010 meeting, they requested funding for the renovation of the old Christiansburg Middle School to be used for the Blacksburg Middle School students. At that time they only had an estimated total of surplus funding and did express the need for technology upgrades and the need for new school buses. When School staff presented the final total to the School Board and their recommendations on what could be funded with surplus funds, the School Board members discussed needs in the school system and voted on what they felt were items of importance. Mr. Shannon stated it was not their intention to mislead the Board of Supervisors. The School staff presented their recommendations to the School Board which the School Board members reviewed; however the School Board focused on other needs.

Supervisor Creed asked how many school buses will be purchased with the surplus money. Mr. Shannon replied that no buses were approved to be purchased.

Supervisor Creed asked if the School Board received the request for new buses and technology upgrade in the schools as presented to the Board of Supervisors. Mr. Shannon replied the items were included in the staff's recommendations.

Chair Perkins clarified that staff often make recommendations to the Board. For example, County staff will make recommendations to the Board of Supervisors and the Board will make their decision. Sometimes the Board follows the recommendations by staff and other times not.

In this case, the School staff presented recommendations to the School Board on the surplus funding. The School Board felt school employees deserved a bonus from the surplus funds.

A-FY-11-29
SCHOOL OPERATING FUND
AND SCHOOL NUTRITION FUND
CARRYOVER SURPLUS YEAR-END BALANCES

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund is granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

09	Transfer to School Operating Fund	\$1,627,105
11	Transfer to School Nutrition Fund	<u>\$ 69,047</u>
	Total	\$1,696,152

The source of funds for the foregoing appropriation is as follows:

451203	Undesignated Fund Balance	\$1,696,152
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BE IT FURTHER RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the School Operating and Nutrition Funds were granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2011, for the function and in the amount as follows:

<u>School Operating</u>		
561000	Instruction	\$1,066,869
562000	Admin., Attend., & Health	33,568
563000	Transportation	42,414
564000	Operations and Maintenance	482,962
565000	Non-Instruction	<u>\$ 1,292</u>
	Total	\$1,627,105

<u>School Nutrition</u>		
565000	School Nutrition	<u>\$ 69,047</u>
	Grand Total	<u><u>\$1,696,152</u></u>

The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451100	Transfer from General Fund	\$1,696,152

Said resolution re-appropriates unencumbered expenditure balances of School Funds remaining at year-end.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

Supervisor Biggs made the following statement:

I, Mary Biggs, declare that I do not have a conflict of interest with this particular vote because I am one of many of the school employees that will benefit from this.

Supervisor Creed stated he has reservations about this request and he doesn't believe someone should ask for something and make it sound like it is going to one thing but goes to another, but he will vote in favor of the appropriation.

R-FY-11-24
FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING
BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA
AND THE TOWNS OF BLACKSBURG, VIRGINIA AND CHRISTIANBURG,
VIRGINIA FOR A SHARED REGIONAL SOLUTION TO REPLACING 911
CUSTOMER PREMISE EQUIPMENT

On a motion by Doug Marrs, seconded by James D. Politis and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board hereby approves the first amendment to the Memorandum of Understanding between Montgomery County and the Towns of Blacksburg and Christiansburg for a shared regional solution to replacing 911 customer premise equipment as shown on Attachment A.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Annette S. Perkins	

ATTACHMENT A

FIRST AMENDMENT TO MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF MONTGOMERY, VIRGINIA AND THE TOWNS OF BLACKSBURG, VIRGINIA AND CHRISTIANSBURG, VIRGINIA FOR A SHARED REGIONAL SOLUTION TO REPLACING 911 CUSTOMER PREMISE EQUIPMENT

WHEREAS, The County of Montgomery and the Towns of Blacksburg and Christiansburg have entered into a Memorandum of Understanding (“the MOU”) in order to establish an understanding between the three jurisdictions that addresses the cost sharing and scope of work to accomplish the regional solution to purchasing new customer premises equipment (CPE) for each jurisdictions 911 Communications Centers while the three jurisdictions prepare for the consolidated Regional 911 Emergency Communications Center; and

WHEREAS, The three jurisdictions desire to amend the MOU to address handling the recurring costs of 911 Trunks and ALI links that will not be covered by VITA that the three jurisdictions will incur until the Regional 911 Emergency Communications Center goes live.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that in acknowledgement of good and valuable consideration and the mutual understanding contained herein, the County and the Towns agree to amend the Scope of Work and Term paragraphs of the MOU as follows:

1. The Scope of Work paragraph of the MOU shall be stricken and amended to provide the following:

Scope of Work

The County of Montgomery and the Towns of Blacksburg and Christiansburg have agreed to participate in a shared solution to purchasing CPE for their dispatch centers. The shared 911 CPE Solution consists of the following:

- CPE Vendor Supplied Host and Client Equipment
- CPE Vendor Supplied Services for installation, configuration and training
- Support Vendor Supplied Services for ongoing system support and maintenance
- Communications infrastructure among locations

The County of Montgomery shall serve as fiscal agent for the administration of VITA grant funds. The County of Montgomery, with input from the Towns of Blacksburg and Christiansburg shall finalize CPE System configuration and process and oversee the procurement of the CPE and communications infrastructure based on the agreed system configuration. The Towns of Blacksburg and Christiansburg agree to coordinate and assist the County with the procurement of the CPE and communications infrastructure and with the management of grant funds as required under the VITA Grant.

The County of Montgomery shall procure, manage and pay the vendor for the new 911 trunk and ALI links on behalf of the Montgomery County Sheriff's Office, and the two Towns. These services will be on going for the foreseeable future or until the services are managed by a new regional authority. The County of Montgomery shall track the costs and seek reimbursement from VITA for the costs VITA has agreed to pay pursuant to the Grant. The County of Montgomery shall invoice the two Towns on a quarterly basis for their portions of 911 trunk and ALI link costs not covered by VITA.

2. The Term paragraph of the MOU shall be stricken and amended to provide the following:

This MOU shall become effective when signed by all three jurisdictions. The MOU shall terminate when the Regional 911 Authority takes over managing the 911 trunk lines and ALI links or by agreement by the parties, whichever shall occur first.

3. All other provisions of the aforesaid MOU shall remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have caused this First Amendment for the MOU to be executed and delivered on their behalf by these duly authorized officers.

COUNTY OF MONTGOMERY, VIRGINIA

TOWN OF BLACKSBURG, VIRGINIA

By: _____

By: _____

Date: _____

Date: _____

TOWN OF CHRISTIANBURG, VIRGINIA

By: _____

Date: _____

R-FY-11-25
RESOLUTION PETITIONING THE GOVERNOR TO
DECLARE MONTGOMERY COUNTY, VIRGINIA
A DROUGHT AREA

On a motion by James D. Politis, seconded by Mary W. Biggs and carried unanimously,

WHEREAS, Widespread areas of Montgomery County have experienced drought conditions in late summer and early autumn of this year and have caused agricultural losses in Montgomery County; and

WHEREAS, Precipitation has been well below normal and very spotty in coverage, while above normal temperatures in June, July and part of August have magnified these dry conditions; and

WHEREAS, Many other businesses that service and supply agriculture producers will be affected economically; and

WHEREAS, The extended hot and dry weather has significantly affected livestock producers' late summer hay crop and pastureland and some producers have had to over-graze their pastures, thus reducing the ability of the forage crop to return or survive winter conditions; and

WHEREAS, Other producers have had to begin feeding hay several months before usual, thus reducing reserves for winter months; and

WHEREAS, Some producers have sold their livestock early at much lighter weights than would have normally been realized; and

WHEREAS, These conditions are also creating stress for timber stands and Christmas tree and/or nursery tree growth which predisposes trees to secondary disease pathogens, insect damage and other environmental disorders; and

WHEREAS, These conditions have and continue to cause severe financial loss to Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of the County of Montgomery, Virginia hereby petitions the Honorable Bob McDonnell, Governor of the Commonwealth of Virginia, to declare Montgomery County a drought area in order to provide the means for those affected to qualify for some relief assistance.

The vote on the foregoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
William H. Brown	None
James D. Politis	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	

RECESS

The Board took a ten minute recess at 8:40 p.m. and reconvened at 8:50 p.m.

INTO WORK SESSION

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

BET IT RESOLVED, the Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. Urban Development Area – Renaissance Planning Group

The vote on the foregoing motion was as follows:

AYE

James D. Politis

Mary W. Biggs

Doug Marrs

John A. Muffo

Gary D. Creed

William H. Brown

Annette S. Perkins

NAY

None

Urban Development Area – Renaissance Planning Group

Milton Herd with Herd Planning & Design, Ltd. and Vlad Gavrilovic with Renaissance Planning Group, briefed the Board on Urban Development Areas (UDAs).

The General Assembly adopted legislation in 2007, amended in 2010, that requires certain high growth localities to adopt UDAs as part of their comprehensive plan and boundaries of UDAs must be shown on land use maps of the comprehensive plan. UDAs are designated areas appropriate for higher density development.

The purpose of UDAs according to the General Assembly is to concentrate future development where public infrastructure can be provided with the greatest fiscal efficiency. Shortfalls in public funding for transportation have necessitated more efficient land use patterns. ADAs would create more of a compact development area than a sprawl development.

Localities that have more than 20,000 people and a 5% decennial growth rate, or an overall 15% decennial growth rate regardless of population are required to adopt UDAs. Montgomery County qualifies under the guidelines adopted by the General Assembly. Counties with less than 130,000 in population must adopt a plan by June 30, 2011. Cities, towns, and counties of 130,000 or more must adopt by June 30, 2012.

Montgomery County received a \$150,000 grant from the Virginia Department of Transportation to provide consultant assistance to implement the UDA legislation. Renaissance Planning Group and Herd Planning & Design, Ltd. were chosen to help Montgomery County and a work schedule was drafted as follows:

Work Plan - Schedule:

1. Policy Audit & Assessment
June-Sep 2010
2. Comp Plan Recommendations
Sept-Nov 2010
3. Zoning/Subdivision Recommendations
Nov -Feb 2011
4. Area Plans
Jan 2011-April 2011
5. Documentation & Adoption
March-Sept 2011

A tentative joint meeting with the Board of Supervisors and Planning Commission has been scheduled in November to update both Boards on their progress.

OUT OF WORK SESSION

On a motion by Doug Marrs, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Mary W. Biggs	None
Doug Marrs	
John A. Muffo	
Gary D. Creed	
William H. Brown	
James D. Politis	
Annette S. Perkins	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

OBMS Blacksburg's Mayor posted an article on his "blog" today regarding the Town's position on the old Blacksburg Middle School property. The current zoning calls for low density residential and the Town's future land use in their Comprehensive Plan calls for mixed uses which means higher density residential with some commercial and office use. A Town working group will review the Comprehensive Plan and review notes from community meetings held, and tighten the view of mixed use.

The Future of Passenger Rail Transportation in Western Virginia Senator John Edwards will hold a town meeting on the future of passenger rail transportation in western Virginia at the O. Winston Link Museum on Shenandoah Avenue in Roanoke on Wednesday, October 27, 2010 from 5:30-7:00 p.m.

Corporate Research Center will hold a groundbreaking ceremony on Monday, September 19, 2010 at 11:30 a.m. for expansion of the park. The expansion will add 95 acres to the existing 120 acres.

Eastern Montgomery Elementary School A ribbon cutting ceremony is scheduled for the new Eastern Montgomery Elementary School on September 24, 2010 at 1:30 p.m.

Recognition of Public Information Officer The US Census Bureau recognized Montgomery County's Public Information Officer, Ruth Richey, for her help with the census in Montgomery County.

Virginia Cooperative Extension has announced they will be restructuring the Extension offices throughout the State. The Agriculture and Natural Resources position in Montgomery County's Extension Office has been eliminated. This came as a shock to the County and raises concerns.

BOARD MEMBERS' REPORT

Supervisor Muffo toured the new Waldron-Ricci Spay & Neuter Clinic, a low-cost, high-volume spay/neuter clinic, in Christiansburg. He reported as of last Thursday, September 9, 2010, a total of 379 spay/neuter surgeries have been performed since their opening in August.

Old Blacksburg Middle School site - Supervisor Muffo asked for an update on the old BMS site. The County Administrator reported that a meeting is scheduled with the Town of Blacksburg to discuss the planning/zoning of the property. County staff is in the process of sending out a bid for asbestos removal in the building. The asbestos has to be removed before the building can be demolished.

Supervisor Muffo commented that this issue has been a long term effort on the part of the Board of Supervisors and he believes the Board needs to seriously consider getting out of the real estate business. He believes the property should be sold and let a private developer negotiate with the Town of Blacksburg.

Tour of Blacksburg High School- Supervisor Muffo reported he received a large amount of information during the tour of the BHS facility that is not being released. He proposes that the Board of Supervisors instruct the County's Public Information Officer to prepare a "Fact Sheet" and make available to the citizens. He is receiving numerous requests for information that he does not have and a lot of misinformation and different stories being told.

Chair Perkins commented that she doesn't believe the County knows all the facts and believes it is the School's responsibility to release this information. She also indicated that a tentative joint meeting with the School Board is scheduled for September 23, 2010.

Wendell Jones, School Board Chair, was in attendance at the meeting and stated that the School's website has a segment on the Blacksburg High School issues and a Frequently Asked Questions section and a Facts & Myths list and is updated regularly.

Supervisor Muffo thanked Mr. Jones for the information. He stated he would check the site out and send any questions that may not be listed to the School staff to address.

The County Administrator stated he would e-mail the link to the School's site on Blacksburg High School to the Board of Supervisors.

Supervisor Creed

Tour of Blacksburg High School - Supervisor Creed reported he toured the Blacksburg High School also and what impressed him was that one of the engineers stated he has a son that attends BHS and has no reservations about his son returning to the school after repairs are made.

With that said, Supervisor Creed made a motion to make BHS safe for occupancy and do any needed work to make it safe as soon as possible. Supervisor Politis seconded this motion.

Discussion on motion:

Supervisor Brown commented he spent a considerable amount of time with the Engineers on Friday during his tour of BHS. He was impressed by the depth of analysis of the engineers' work and was assured that the building can be made safe. He indicated that this issue should not be prolonged and voiced his support for the repair of the BHS and moving forward with the School's Capital Improvement Plan.

Supervisor Biggs commented that she thought the Board of Supervisors was going to hold a meeting with the engineers in a public setting so the engineers can say the same thing to the entire Board. She also asked how much is it going to cost to complete the testing of the entire school and put on a new roof. At this point no one knows the total cost. Worst case scenario is that each one of the beams are to be tested and replaced and a new roof...how much will this cost?

Supervisor Creed was told this was included in the School estimates.

Supervisor Creed called the question. Supervisor Biggs said she could not support this and will not support this.

Chair Perkins called for the question, which is not debatable, and asked for a roll call vote on Supervisor Creed's request to call the question

The vote was as follows:

AYE

Gary D. Creed
William H. Brown
James D. Politis
Doug Marrs
John A. Muffo

NAY

Mary W. Biggs
Annette S. Perkins

Questions were called.

The Chair at this time stated Supervisor Creed's motion, seconded by Supervisor Politis to repair the Blacksburg High School was on the table for a vote.

**R-FY-11-26
RESOLUTION REQUESTING THE
MONTGOMERY COUNTY SCHOOL BOARD
TO REPAIR THE BLACKSBURG HIGH SCHOOL
LOCATED AT 520 PATRICK HENRY DRIVE
BLACKSBURG, VIRGINIA**

On the original motion by Gary D. Creed, seconded by James D. Politis and carried

WHEREAS, On February 13, 2009, the gymnasium roof at the Blacksburg High School ("BHS") collapsed; and

WHEREAS, After inspection and analysis of the remaining Blacksburg High School facilities, the Montgomery County School Board determined the remaining facilities to be an unsafe environment; and

WHEREAS, The Montgomery County School Board requested the engineering firm of Oliver Webb Pappas and Rhudy, Inc. (OWPR) to conduct an assessment of the remaining BHS facilities; and

WHEREAS, OWPR has issued a report stating that the BHS facilities can be repaired to make it safe for re-occupancy; and

WHEREAS, The Montgomery County Board of Supervisors toured the Blacksburg High School facilities on September 9 and 10, 2010 respectively and were assured that the facilities can be made safe for re-occupancy by the engineers working for the Montgomery County School Board.

NOW, THEREFORE, BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia that the Board of Supervisors hereby requests the Montgomery County School Board to proceed as soon as possible to do what is necessary to repair the Blacksburg High School facilities located at 520 Patrick Henry Drive, Blacksburg, Virginia so that the school may be made safe for re-occupancy.

The vote on the foregoing resolution was as follows:

AYE

John A. Muffo
Doug Marrs
James D. Politis
William H. Brown
Gary D. Creed

NAY

Mary W. Biggs
Annette S. Perkins

Chair Perkins commented that she will make a statement under her report. She expressed her disbelief of other members of the Board not making the Chair aware of their intentions tonight.

Board Reports Continued

Supervisor Brown – No report

Supervisor Marrs stated on his tour of the Blacksburg High School facility he questioned the engineers and school staff at length. He asked if the school could be made safe for return and was assured repeatedly that the school can be made safe. One engineer commented that he had a child that would return to the BHS and he would not say the school could be made safe if he did not believe it could be.

Supervisor Biggs commented that it would have been good to have a joint meeting with the schools, as planned, to hear what the engineers had to say to the entire group. Secondly, a decision as important as the Blacksburg High School facility to be made during a Board members report is upsetting to her, but realized it can be done and the vote stands.

Supervisor Biggs stated she also toured the school and was told the school could be safely repaired, but at what costs. She has received several e-mails that this ties to economic development which is a total different issue.

She stated she has received a lot of e-mail from citizens from the entire county but the people from Blacksburg have stressed they wanted something for Auburn also. They are concerned about the whole community not just their area. They also recognize the burden a real estate tax increase would cause for some citizens and wanted to know if the Board could somehow find a way to help those who need it.

Waldron-Ricci Spay & Neuter Clinic – Supervisor Biggs also toured the clinic and was very impressed. She also thanked the Assistant County Administrator Carol Edmonds for her behind-the-scenes work.

Supervisor Politis

Riner Rescue Squad – Supervisor Politis thanked Neal Turner, Emergency Services Coordinator, for all his help in drafting the by-laws and code of conduct for the Riner Rescue Squad. The Advisory Group has acquired an attorney for help in getting a charter. The process of making the Riner Rescue Squad an independent station separate from the Christiansburg Rescue Squad is moving along smoothly.

Resolution of Appreciation -Barry Robinson – Supervisor Politis asked that a resolution of appreciation for Barry Robinson for his years of service as Montgomery County’s Agriculture and Natural Resources Extension Agent be placed on a future agenda. Supervisor Politis believes that Mr. Robinson will be greatly missed.

Blacksburg High School: Supervisor Politis reported he toured the Blacksburg High School facility and felt comfortable with the inspection of the building and that the building can be repaired.

Supervisor Politis asked the Board to consider a resolution requesting the School Board to reopen discussions regarding the capital needs for the Auburn Strand. He stated that the Auburn projects were put on hold several years ago due to the lack of funding and believes that they need to move forward with this project.

At this time School Board Chair Wendell Jones was asked to provide comments. Mr. Jones reported that as part of the School Board’s recent discussions it was part of their plan to schedule additional meetings to discuss the School’s Capital Improvement Plan. He confirmed that the Auburn Strand project was stopped due to lack of funds and then the devastation at the Blacksburg High School prompted the School Board to take another look at their capital projects. This was one of the topics to be discussed at the joint meeting, along with a question and answer session with the engineers regarding the Blacksburg High School facility.

Supervisor Biggs commented that the School Board is responsible for deciding what projects are on their CIP list and believes it’s not appropriate for the Board of Supervisors to instruct them on what projects are a priority.

Supervisor Politis stated that his request is based on Option 5 discussed by the School Board, which repairs the Blacksburg High School facility and proceed with the current School CIP list. The Auburn Strand is the next project on the list.

Chair Perkins stated that the only option the School Board forwarded to the Board of Supervisors for consideration is the option to replace the Auburn High School, Auburn Middle School, and the Blacksburg High School.

Supervisor Politis made a motion, seconded by Supervisor Creed, to send a resolution of request to the School Board to reopen discussions on the capital needs for the Auburn Strand.

The vote on the motion was as follows:

AYE

Doug Marrs
Gary D. Creed
James D. Politis

NAY

John A. Muffo
William H. Brown
Annette S. Perkins

ABSTAIN

Mary W. Biggs

The motion failed.

Supervisor Biggs abstained because she believes that this is a School Board issue, therefore, she could not support this motion at this time.

Chair Perkins expressed her dismay with the Board of Supervisors regarding their actions tonight on voting on the Blacksburg High School issue. Chair Perkins stated that numerous staff and elected officials, over the last several days, have talked to the Lt. Governor, State representatives and Rural Development representatives to determine how to secure additional resources in order to help reduce a large tax burden that will be placed on the citizens. She wanted to make it clear that it was never once said that a 12.5 cent real estate tax increase would be levied at one time.

Chair Perkins stated that for the Board of Supervisors to vote on something of this magnitude in this manner, without first consulting with the Chair and the County Administrator, is the height of disrespect. She believes the Board could have waited two more weeks for the next Board meeting to act on this issue. The outcome may have been the same; however, this would have given both the Board of Supervisors and School Board time to meet with the Engineers and receive the same information at one time.

ADJOURNMENT

The Chair announced the meeting adjourned.

The Board adjourned to Monday, September 27, 2010 at 6:00 p.m.

The meeting adjourned at 10:10 p.m.

APPROVED: _____ ATTEST: _____
Annette S. Perkins F. Craig Meadows
Chair, Board of Supervisors County Administrator